IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5377 OF 2000

Ajeeta Arvind Mhatre .. Petitioner

versus

1. The State of Maharashtra & ors.. Respondents

Mr.C.G.Gavnekar for Petitioner

Ms.P.S.Cardozo, Assistant Government Pleader for Respondent nos. 1 to 3.

CORAM : S.B.MHASE AND
D.G.KARNIK, JJ

DATED : 8th February, 2006

P.C.

1. By this petition, the petitioner challenges the order passed the Returning Officer dated 3rd October, 2000.

2. The petitioner was declared as elected. However, on directions received from the Election Commission, the Returning Officer, by his order dated 3rd October, 2000 declared the election of the petitioner as invalid. That order is impugned in this petition. At the time of admission of the petition, a stay was granted. In pursuance of the said order, the petitioner continued to be a

member of the Gram Panchayat. The period of the Gram Panchayat was for five years from 2000 to 2005. The period is already over. The petitioner has enjoyed his term as a Councillor. In the circumstances, the petition has become infructuous.

3. In the facts and circumstances of the case, we do not think it necessary to consider the validity of the order as such the challenge has become academic. Hence, the petition is disposed of.

(D.G. KARNIK, J) **(S.B.MHASE, J)**